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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,423	02/22/2007	Colin William Newport	408091-017	8412
51500 7590 05/30/2008 PATZIK, FRANK & SAMOTNY LTD. 150 SOUTH WACKER DRIVE SUITE 1500 CHICAGO, IL 60606				
EXAMINER				
BLACK, MELISSA ANN				
ART UNIT		PAPER NUMBER		
3612				
MAIL DATE		DELIVERY MODE		
05/30/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/567,423

Applicant(s)

NEWPORT, COLIN WILLIAM

Examiner

MELISSA A. BLACK

Art Unit

3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 18-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 February 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/CIS) Paper No(s)/Mail Date 2/22/07
- 4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Claims 1-17 have been cancelled and Claims 18-23 are pending in the application, and are rejected as set forth below.

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the force on said first end in claim 18 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 18 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by US Pat # 6,406,088 to Tate.

Tate discloses a unitary hollow structural member for a vehicle frame, the member comprising: a body (20) with a **generally** constant first wall thickness (δ); and a first end (21) adapted to be axially deformed upon application of a force on said first end, said first end including a weakened section having a generally constant second wall thickness, wherein said second wall thickness is less than said first wall thickness, and said first end further including a deformation initiation site comprising a tapered portion, wherein the cross sectional area of said member is gradually reduced along an axial direction towards said first end. Re claim 20, Tate discloses said structural member comprises a vehicle frame side rail, cradle, or pillar (see figure 1).

Claim Rejections - 35 USC § 103

3. Claims 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat # 6,406,088 to Tate in view of JP 61074713 to Shohei.

Re Claim 19, Tate fails to disclose the entire length of said taped section comprises the second wall thickness.

Shohei teaches that it is possible for a taped section of a pipe to have a constant wall thickness (See figure 2(B)).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to have the tapered section have the second wall thickness over its entire length in order to have a uniform thickness for deformation.

Re Claim 21, the rejection for 20 is hereby referenced.

4. Claims 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB 2007569 to Withers in view of JP 61074713 to Shohei.

Withers discloses the method for forming a hollow structural member for a vehicle frame and having a weakened end section integral therewith for absorbing energy, said end section having a reduced wall thickness, the method comprising the steps of: providing a tubular member to be formed, the tubular member having a generally constant first wall thickness and a first end to be provided with said weakened portion; providing a first die having an opening corresponding generally with the outer dimensions of the tubular member; providing a mandrel capable of being inserted within the said first die opening, the clearance between said mandrel and the die opening corresponding to a desired second wall thickness of the tubular member; placing the tubular member within the first die opening and axially moving the first die over a first length of the tubular member; inserting the mandrel into the first end of the tubular member along a second length of the tubular member less than the first length, said second length comprising the length of the end section; sliding the first die over the tubular member and over the mandrel thereby causing the wall thickness of the tubular member first end to be reduced to the generally constant second wall thickness; extracting the mandrel from the tubular member.

Withers fails to disclose providing a second die having a tapered die opening with an inlet section having the larger diameter; introducing said tubular member first end into the inlet

section of the second die opening and forcing constriction of said first end section to assume the shape of the second die opening while maintaining said second wall thickness.

Shohei discloses in a second step the use of a second die having a tapered die opening with an inlet section having the larger diameter; introducing said tubular member first end into the inlet section of the second die opening and forcing constriction of said first end section to assume the shape of the second die opening while maintaining said second wall thickness (Figure 2(B)).

It would have been obvious to us step 2(B) as taught by Shohei on the device of Withers in order to taper the end of the tube in order to make it absorb more energy.

Re Claim 23, Shohei discloses the tube can be used on a vehicle and it would be obvious to use the method to produce other vehicle part such as frame side rail, cradle, or pillar.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MELISSA A. BLACK whose telephone number is (571)272-4737. The examiner can normally be reached on M-F 7:00-3:30 ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (571) 272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. Glenn Dayoan/
Supervisory Patent Examiner, Art Unit
3612

/M. A. B./
Examiner, Art Unit 3612